IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4121 OF 2006

Istiyak Ahmed Bashir Ahmed & other 1 .. Applicants.

V/s.

The State of Maharashtra .. Respondents.

Ms.Pranali Kakade for the applicants.

Shri.P.A.Pol, A.P.P. for the State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 13TH DECEMBER, 2006

P.C.:

1. The applicants are arrested on 29th April, 2006 in connection with C.R.No.91 of 2006. The same is registered with Dehu Road police station. The offences alleged are punishable u/s.328, 347, 363 and 395 of I.P.C.

2. From a perusal of the application so also the order passed by the learned Ad-hoc Additional Sessions Judge, Pune, it is clear that the investigations in so far as the present applicants are concerned are completed and chargesheet is filed. However, their application for bail

is rejected only on the ground that the co-accused are absconding.

3. The learned A.P.P. could not dispute that with this reasoning of the learned Additional Sessions Judge, the application of the applicants for bail could not have been rejected. However, his apprehension is that both applicants are not local residents but residing in the state of Uttar Pradesh and would not be available for the trial so also for further investigations. This is a case of highway robbery. In the above circumstances, in my view, following order would serve ends of justice.

4. ORDER : -

i) Applicants are directed to be released on bail in connection with C.R.No.91 of 2006, registered with Dehu Road Police Station, Pune on executing personal bond in the sum of Rs.10,000/- each (Rupees Ten thousand only) with one or two local sureties in like amount.

ii) The applicants shall not influence prosecution witnesses or tamper with the prosecution evidence in any manner, whatsoever.

iii) The applicants shall report to the concerned police station twice in a fortnight on every Saturday between 5.00 p.m. and 7.00 p.m. till conclusion of the trial. The applicants shall deposit their passport, if any, with the Investigating Machinery. The applicants shall not leave India without prior permission of the trial court.

iv) The applicants shall disclose their place of residence to the Investigating Officer as well as the trial court where they would stay after the release on bail and shall report to the trial court before they travel beyond the State of Uttar Pradesh where they would ordinarily reside.

v) The applicants shall co-operate for early disposal of the trial. In the event, the trial court is of the opinion that the applicants are responsible for delay in trial, that be recorded in roznama and that can be the basis for cancellation of bail.

vi) Application disposed of.

(S.C.Dharmadhikari,J.)